

ODNS

10-1526

From Dan Cargill
LDWSF 19.6.9.4
orchard St.
Expansion

RECEIVED

MAR 26 2010

DEPARTMENT OF ECOLOGY
ENVIRONMENTAL REVIEW**Comments**

When specified below written comments will be accepted. Comments should be addressed to: Department of Planning and Development, 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019.

Information

For additional information, to obtain a copy of the decision or to learn if a decision has been appealed, contact the DPD Public Resource Center, Seattle Municipal Tower, 700 Fifth Avenue, Suite 2000 20th Floor, (206) 684-8467. A copy fee will be charged. (The Public Resource Center is open 7:30 a.m. to 5:30 p.m. on Monday, Wednesday, Friday and 10:30 a.m. to 5:30 p.m. on Tuesday and Thursday.)

Decision

Area: South **Address:** 701 S ORCHARD ST
Project: 3009537 **Zone:** AIRPORT HEIGHT DISTRICT, INDUSTRIAL GENRL 1 UNLIMITED/95',
LIQUEFACTION PRONE SOILS, URBAN VILLAGE OVERLAY

Decision Date: 03/25/2010

Contact: BILL ARMOUR - (253)396-0150
Planner: Paul Janos - (206)233-7195

Land Use Application to change the use from warehouse/manufacturing to salvage yard (86,257 sq. ft. total). Project includes installation of interior/exterior material sorting equipment, 14 ft. high security walls, surface repavement, construction of 200 sq. ft. gate house, an 87.5 ft. truck scale and a 300 lineal ft. connection to existing storm water drain system. Surface parking for 44 vehicles to be provided. Three buildings totaling 6,198 sq. ft. to be demolished.

The following appealable decisions have been made based on submitted plans:

Determination of Non-Significance with conditions (no environmental impact statement required). Environmental review completed and project conditioned as applicable. This DNS is issued using the optional DNS process in WAC 197.11.355 and SMC 25.05.355. The comment period was originally published on April 9, 2009 and there is no further comment period on this DNS.

Conditions: Conditions have been placed on this project. You may view the decision through our web-based Land Use Information Bulletin, or contact either the assigned planner whose name and phone number appears above, or contact the Public Resource Center (206-684-8467, prc@seattle.gov).

Appeals of this decision must be received by the Hearing Examiner no later than 04/08/2010.

ODNS/NOA 09-2104

3/25/10

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Seattle Department of Planning and Development

D. M. Sugimura, Director



March 25, 2010

Notices of Decisions

The Director of the Department of Planning and Development has reviewed the Master Use Permit application(s) below and issued the following decisions. Interested parties may appeal these decisions.

Hearing Examiner Appeals

To appeal to the City's Hearing Examiner, the appeal **MUST** be in writing and delivered either in person to the Hearing Examiner's office on the 40th floor of Seattle Municipal Tower at 700 Fifth Ave. or by mail to the City of Seattle Hearing Examiner, P.O. Box 94729, Seattle, WA 98124-4729. Appeals must be received prior to 5:00 P.M. of the appeal deadline indicated below and be accompanied by a \$50.00 filing fee in a check payable to the City of Seattle. (The Hearing Examiner may waive the appeal fee if payment would cause financial hardship). The appeal must identify all the specific Master Use Permit component(s) being appealed, specify exceptions or objections to the decision, and the relief sought. Appeals to the Hearing Examiner must conform in content and form to the Hearing Examiner's rules governing appeals. (The Hearing Examiner's Office has a form that can be used for land use appeals). A copy of the Hearing Examiner Rules is available for \$1.75 from DPD. The Hearing Examiner's Office also provides a "Citizen Guide to the Office of the Hearing Examiner". To be assured of a right to have your views heard, you must be party to an appeal. Do not assume that you will have an opportunity to be heard if someone else has filed an appeal from the decision. For information regarding appeals, visit the Hearing Examiner's website at www.seattle.gov/examiner or call them at (206) 684-0521.

Interpretations

Issues concerning the proper application of any development regulation in the Land Use and Zoning Code (Title 23) or regulations for Environmentally Critical Areas (Chapter 25.09) cannot be raised as part of this appeal. These issues can be considered in an interpretation, which may be appealed to the Hearing Examiner. Interpretations may be requested by any interested person. Requests for interpretations must be filed in writing prior to 5:00 P.M. on the appeal deadline indicated below and be accompanied by a \$2,000.00 fee payable to the City of Seattle. (This fee covers the first eight hours of review. Additional hours will be billed at \$250.00.) Requests must be submitted to the Department of Planning and Development, Code Interpretation and Implementation Section, 700 5th Av Ste 2000, PO Box 34019, Seattle WA 98124-4019. Questions regarding how to apply for a formal interpretation may be asked by phone by calling (206) 684-8467.

Shoreline Decisions

An appeal from a shoreline decision is made to the State Shorelines Hearing Board. It is NOT made to the City Hearing Examiner. The appeal must be in writing and filed within 21 days of the date the DPD decision is received by the State Department of Ecology (DOE). The DPD decision will be sent to DOE by the close of business on the Friday of this week. If the Shoreline decision involves a shoreline variance or shoreline conditional use, the appeal must be filed within 21 days after DOE has made their decision. The information necessary for DOE to make their decision will be sent to them by the close of business on the Friday of this week. The beginning of the appeal period may also be provided to you by calling (206) 684-8467. The minimum requirements for the content of a shoreline appeal and all the parties who must be served within the appeal period cannot be summarized here but written instructions are available at the Department of Planning and Development (Client Assistance Memo 232), 700 5th Av Ste 2000, PO Box 34019, Seattle, WA 98124-4019, (206) 684-8467 or contact the Shorelines Hearing Board at (360) 459-6327. Failure to properly file an appeal within the required time period will result in dismissal of the appeal. In cases where a shoreline and environmental decision are the only components, the appeal for both shall be filed with the State Shorelines Hearing Board. When a decision has been made on a shoreline application with environmental review and other appealable land use components, the appeal of the environmental review must be filed with both the State Shorelines Hearing Board and the City of Seattle Hearing Examiner.

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Decision

Area: South **Address:** 601 S MYRTLE ST

Project: 3010071 **Zone:** AIRPORT HEIGHT DISTRICT, INDUSTRIAL GENRL 1 UNLIMITED/85', LIQUEFACTION PRONE SOILS, SPECIAL GRADING REQUIREMENT, STEEP SLOPE ($\geq 40\%$), URBAN INDUSTRIAL

Decision Date: 03/25/2010

Contact: BILL ARMOUR - (253)396-0150

Planner: Paul Janos - (206)233-7195

Land Use Application to allow a 14 ft. high, 24 ft. wide security gate and installation of an access opening in the existing building to the adjacent site (701 S. Orchard St.). Project includes a 150 lineal ft. connection to existing storm water drain system. No change to parking.

The following appealable decisions have been made based on submitted plans:

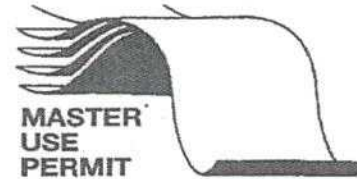
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Seattle Department of Planning and Development

D. M. Sugimura, Director



March 25, 2010

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City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009537 and 3010071
Applicant Name: Bill Armour for Seattle Iron and Metal
Address of Proposal: 601 S. Myrtle Street
701 S. Orchard Street

SUMMARY OF PROPOSED ACTION

3009537 - 701 S. Orchard Street

Land Use Application to change the use from warehouse/manufacturing to salvage yard (86,257 sq. ft. total*). Project includes installation of interior/exterior material sorting equipment, 14 ft. high security walls, surface repaving, construction of 200 sq. ft. gate house, an 87.5 ft. truck scale and a 300 lineal ft. connection to existing storm water drain system. Surface parking for 44* vehicles to be provided. Three buildings totaling 6,198 sq. ft. to be demolished.

*99,437 square feet proposed on most recent plan set.

**60 parking spaces proposed on most recent plan set.

3010071 - 601 S. Myrtle Street

Land Use Application to allow a 14 ft. high, 24 ft. wide security gate and installation of an access opening in the existing building to the adjacent site (701 S. Orchard St.). Project includes a 150 lineal ft. connection to existing storm water drain system. No change to parking.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
☒ DNS with conditions
☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The sites, on which activities will constitute one unified industrial operation, are in the Duwamish industrial zone south of downtown, and they are zoned IG1/85'. The shoreward property (601 S. Myrtle Street) is partially within the shoreline district, in a UI environment. The shoreward property also contains a steep slope, which the applicant indicates is due to the stockpiles on the site; the steep slope is clearly not associated with the shoreline itself. (The steep slope area is well outside the proposal area.) Both properties are within an ECA liquefaction critical area.

The waterfront site has a few small buildings, an open-air metal shredder, stockpiles, baling equipment, staging areas, and maneuvering areas for trucks and other equipment. There are a couple of more substantial buildings on this property's eastern edge. The adjacent property (701 S. Orchard Street) is developed with a three-story manufacturing and warehouse building on its western ½ (or so), and with surface parking on the eastern ½.

Adjacent streets are open, and except for S. Garden Street, seemingly heavily used. S. Garden Street presently appears virtually entirely unused.

Proposal Description

In essence, the applicant proposes to intensify the processing of its regular raw materials to extract a greater proportion and greater number of metals from scrap automobiles and other metal refuse. A new sorting system will be installed on the new property (701 S. Orchard Street), and minor changes made to the existing property (601 S. Myrtle Street), including a cut through the east wall of one building to accommodate access through the west wall of an adjacent building, a 14-foot high wall. Above-ground storage tanks will also be added to the east end of the waterfront site. A detailed description of the proposal may be found in the SEPA checklist.

Public Comments

There were four comment letters. Concerns expressed include risk of contaminated run-off to the Duwamish, demolition of potentially historic structures, increased traffic, increased traffic hazard, noise, vibration, and air emissions.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances, such as the Street Use Ordinance and the Noise Ordinance will provide sufficient mitigation. The other impacts not noted here as mitigated by codes or conditions (e.g., increased traffic and parking demand from construction personnel) are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Air Quality

The project requires an application to the Puget Sound Clean Air Agency, which has full jurisdiction over impacts to Air. The application has been deemed exempt from requiring a PSCAA permit, an exemption granted only after exhaustive evaluation of extensive submittal information. This exemption confirms PSCAA's lack of concern about impact to both indoor and outdoor air. No further mitigation is warranted pursuant to SEPA authority.

Earth

The Phase II environmental site assessment of the 701 S. Myrtle Street building by Floyd/Snider concludes, regarding soils contaminants, "While all concentrations were less than regulatory concern or reporting requirements, as a precaution, if the current building is torn down and the area under it where low concentrations of volatile organics is regarded, soil from this area should NOT be exported off-site without further testing to characterize its contents for disposal or re-use elsewhere." There is no proposal to tear down the building. Moreover, SEPA exists to mitigate identified impacts, not to take precautions. Accordingly, no conditioning for earth pursuant to SEPA is warranted.

Long-term Impacts

Long-term or use-related impacts anticipated by the proposal include: change of use from warehouse to major salvage yard, potential increased vehicular traffic, and noise impacts of the new, partially outdoor equipment. These long-term impacts are not considered significant because the impacts are minor in scope. However, some of the impacts warrant further discussion and review.

Air

The Puget Sound Clean Air Agency determined that no permit would be required from PSCAA for the proposal. Because PSCAA is the foremost authority on assessment of adverse impacts to air, DPD concludes that no mitigation for adverse impacts to air pursuant to SEPA authority are warranted.

Water

In a letter dated 4 March 2010 the applicant details the status of review of the project's NPDES status. It is clear that Ecology is thoroughly involved in the process of regulating any adverse impacts to water. The applicant expectation is that an amended NPDES permit will be issued prior to issuance of a DPD construction permit. However, administrative processes being unpredictable, to ensure that the construction permit is not issued prior to DOE approval of the amended NPDES, project approval is conditioned upon such sequencing.

Noise

There are various noise issues associated with operations of the existing shredder, which are presently being addressed by DPD in separate actions. The present proposal would not exacerbate those impacts, and the new functions proposed on the two sites would not have additional adverse noise impacts. No mitigation pursuant to SEPA authority is warranted.

Traffic

The applicant has credibly stated that the proposed intensification of processing would not substantially change the amount traffic to or from the site, though it would utilize S. Garden Street, which is not presently utilized. Because of use of S. Garden Street, existing queuing on S. Myrtle Street should be reduced. There would be a substantial reduction in traffic due to termination of the historically permitted uses in the building. Only a small portion of the building would be retained in the existing permitted uses. Hence, overall, there would likely be a substantial reduction in trip generation by the site activities, particularly during peak hours for this area. Thus, the traffic-related impacts do not rise to a level warranting mitigation pursuant to SEPA authority. Required parking would be provided on site, and no spillover parking demand is anticipated.

Greenhouse gases

The proponent has provided a spreadsheet documenting estimated greenhouse gas generation over the life of the project to be 207,425 metric tons of carbon dioxide equivalent. There are no regulations limiting the amount of such emissions, nor does Seattle require any mitigation at this time.

DECISION - SEPA

This decision was made after review by the responsible official, on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

Prior to Issuance of any Permit to Construct:

The owner(s) and/or responsible party(s) shall document that a pertinently amended NPDES permit has been issued by the State Department of Ecology.

Signature: _____

Grace Agana for
Paul Janos, Land Use Planner
Department of Planning and Development

Date: March 25, 2010

PMJ:ga

Janos/doc/decisions other than platting/3009537 3010071 warehouse + manufacturing to Seattle Iron and Metal salvage yard Janos.doc